

REMARKS/ARGUMENTS

The Examiner has indicated under the heading "Allowable Subject Matter" that claims 7, 8, 14, and 15 would be allowable if rewritten as independent claims. Claims 7 and 14-16 were objected to as depending on claims not allowed. The Examiner indicated that claim 8 would be allowable if rewritten to overcome the 35 U.S.C. § 112, second paragraph rejection.

Applicant has complied with the Examiner's suggestion, and claims 7, 8, 14, and 15 have been rewritten as independent claims; thus, dependent claim 7 has been rewritten as independent claim 17, claim 8 as independent claim 18, claim 14 as independent claim 19, and claim 15 as independent claim 20. Claim 16 has been made dependent on claim 20. Support for new claim 17 is found in original claims 1 and 5; support for new claim 18 is found in original claims 1, 5, 6, and 8; support for new claim 19 is found in claims 9, 11, and 14; and support for new claim 20 is found in claims 9, 11, and 15. Page 4 of the specification has been amended to correct a typographical error. The correct figures are 3B and 5B, and not 313 and 513. Entry of this correction is respectfully solicited.

All the remaining claims have been amended to indicate that the box body and the cover are molded from transparent plastic. Support for this amendment is found in original claims 4 and 12, and in the specification on page 4, lines 18-21. All the remaining claims have also been amended to indicate, "at least one fastening device adapted to fixedly secure and lock said cover to said box body." Support for this amendment is found in the specification on page 4, lines 14-17, and in FIG. 1.

All the remaining claims have also been amended to indicate once the male fastening member and the female fastening member are fixedly fastened together they cannot be separated from each other unless the male fastening member is broken from the cover. Support for this amendment is found on page 6 of the specification, lines 6-9, and FIG. 2C, FIG. 2B, and FIG. 3B.

Applicant claims an accessories display box with a cover both molded from transparent plastic so craftsmen can easily view the contents of the box. To prevent the public from tampering with the display box, the display box is sealed. Thus, once the male fastening member and the female fastening member are fixedly fastened together they cannot be separated from each other unless the male fastening member is broken from the cover. Thus, Applicant claims a sealed accessories display box. Once the male fastening member is broken, the vendor or other party of interest will know that the original display box has been tampered with.

All the remaining claims also cover the situation when the display box becomes unsealed "at least one fastening device is adapted to fixedly secure and lock said cover to said box body."

Each fastening member comprises a female fastening member fixedly provided at the box body. The female fastening member comprises a through aperture and a plurality of devices radially extended around the through aperture and longitudinally extended along the axial length of the through aperture. The male fastening member is fixedly provided at the cover and adapted to engage the female fastening member. The male fastening member has a conical head insertable through the through aperture; the conical head has a bottom edge, which stops the conical head from backward movement after insertion of the conical head through the aperture.

Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Neal et al. (U.S. Patent 4,011,940) in view of Doerfler et al. (Publication No. U.S. 2002/0117507 A1). The Neal '940 and Doerfler '507 references do not disclose or suggest, in combination, the subject matter of claim 1. Claim 1 covers a sealed display accessories container, which requires the breaking of the male fastening member from the cover. This feature of claim 1 is critical since the vendor or other interested party will know the accessories display box has been tampered with. Once the display box has been opened at least one fastening device is provided

to fixedly secure and lock said cover to said box body. The claim also provides that the box body and cover are molded from transparent plastic.

The Neal '940 reference of record is unrelated to the subject claimed by Applicant in claim 1. Neal '940 is specifically directed to storing magnetic tape. Figure 2 of the reference is specifically devoted to describing the type of tape to be stored. The Neal '940 reference is directed to producing a container, which is dust free. In the reference, it is stated that dust affects negatively magnetic tapes. It is Applicant's position that the Neal '940 reference is not enabling in rendering claim 1 unpatentable.

The Doerfler et al. reference (Publication No. U.S. 2002/0117507 A1) discloses latches for storage units. The Examiner cites FIG. 13 of the reference as disclosing a female part comprising through holes having a plurality of crevices. This figure does not make Applicant's claim 1 obvious. It is Applicant's position that claim 1 is patentable over the combination of Doerfler '507 and the Neal '940 references of record. These references are not directed to a accessories display box covered by claim 1.

It is Applicant's position that claim 1 is unobvious within the meaning of 35 U.S.C. § 103(a) and patentable over the two cited references discussed above.

Claims 1-5 and 9-13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen (U.S. Patent 6,415,923) in view of Neal '940 and Doerfler '507.

The Examiner states that the Chen '923 reference of record discloses a display box, a box body defining a plurality of components adapted to accommodate tool accessories and a cover adapted to cover the box body.

The Examiner cites the Chen '923 reference as disclosing a handle hole disposed relative to a tool handle seat adapted to receive a part of the tool being nested in the tool handle seat as shown in FIGS. 2 and 3. The Examiner admits the Chen '923 reference of record does not disclose a fastening device adapted to fixedly secure the cover to the body of the box. The Chen '923 reference discloses a different type of tool box. The Chen '923 tool box has a

plurality of receiving members pivotally connected between two side walls of the box and each of the receiving members having a shaft. In the Chen '923 disclosure, a gear is connected to an end of each of the shafts and a rack is movably connected to the base. The gears are rotatably engaged with the rack. A cover is pivotally connected to the base by a pivot axle, and a driving gear is connected to the pivot axle and engaged with the rack so that when opening the cover, the receiving members are pivoted.

This expensive and complicated tool box is unrelated to the relatively inexpensive and simple tool box claimed in claims 1-5 and 9-13. Applicant's tool box has no gears, particularly gears connected to the end of each shaft. Neither does Applicant claim a rack connected to and movable with respect to the base. In the Chen '923 reference of record, the gears engaged with the rack rotate when the rack is moved.

Neither the Chen '923 nor Neal '940 or the Doerfler '507 references of record suggest or disclose a sealed accessory display box. They also do not suggest that after the box is unsealed the display box is secured by locks. Also, the three cited references do not suggest or disclose that the box body and the cover are made from molded transparent plastic.

From the foregoing discussion of the Chen '923 reference, it is clear that it is not a reference that can support a 35 U.S.C. § 103(a) rejection of Applicant's claims 1-5 and 9-13.

The Neal '940 and the Doerfler '507 references of record are unrelated to the invention claimed by Applicant in claims 1-5 and 9-13.

Since, in Applicant's view, the Chen '923 reference of record is not an enabling reference, the Neal '940 reference cannot cure this deficiency. The Neal '940 fastening devices do not make the Chen '923 and Neal '940 references support a 35 U.S.C. § 103 rejection. The Doerfler '507 reference discloses latches for a variety of containers and does not support a 35 U.S.C. § 103 rejection of Applicant's claims 1-5 and 9-13.

Claims 3 and 11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Chen '923 in view of Neal '940. The Examiner cites Neal '940 as defining a collar by ear

portion (72) of the Neal '940 reference of record and that the ear portion (72) of the Neal '940 reference is extended around the periphery of the head (70) of the Neal '940 reference. As stated above, the Neal '940 reference is not related to the invention covered by claims 3 and 11. Neal '940 is specifically directed to storing magnetic tape. It is not permissible under 35 U.S.C. § 103 to select narrow features from generally unrelated prior art to reject claims related to inventions which have no connection with the cited prior art. Claims 3 and 11 cover a sealed display box with both the box and the top molded from transparent plastic. Once the accessories display box is unsealed at least one fastening device is provided to fixedly secure and lock said cover to said box. The cited references of record do not support a 35 U.S.C. § 103(a) rejection.

Claims 4 and 12 have been canceled without prejudice and the contents of these claims have been inserted in the remaining claims. The Chen '923 and Neal '940 references have been discussed in connection with the remaining claims and it is Applicant's position these references cannot support a 35 U.S.C. § 103(a) rejection of the remaining claims.

Claims 5 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the Chen '923 reference of record. The Chen '923 reference discloses a tool box having a plurality of receiving members pivotally connected between the side walls of the base, and each of the receiving members having a shaft. Furthermore, a gear is connected to an end of each of the shafts and a rack is movably connected to the base. It is clear that the Chen '923 reference of record does not support 35 U.S.C. § 103(a) rejections of claims 5 and 13. The Chen '923 reference does not suggest a sealed accessories display box or a locking mechanism once the accessories display box becomes unsealed.

Claims 1, 5, and 6 have been rejected under 35 U.S.C. § 103(a) as being unpatentably over Rudert (U.S. Patent 6,547,077) in view of the Neal '940 and Doerfler '507 references of record. Applicant's accessories display box as claimed in claims 1, 5, and 6 is unrelated to the tool holder for elongate tools such as drill bits disclosed in the Rudert '077 reference of record.

Claims 1, 5, and 6 cover a sealed transparent accessories display case. Once the male fastening member and the female fastening member are fixedly fastened together they cannot be separated from each other unless the male fastening member is broken from the cover. This sealed accessories display case is critical since in stores or in trade booths customers tend to open the box and the contents of the box can get lost. Both the box and the cover are made from transparent plastic thus customers can easily see the contents of the accessories display case. Once the accessories display box becomes unsealed there is provided at least one fastening device adapted to fixedly secure and lock said cover to said box body.

Claims 5 and 6 are directed to a tool bit receptacle fastened pivotally with an inside wall of said box body and adapted to receive a set of tool bits. Claim 6 is further focused on the box body comprising an oblique stop wall adapted to stop storage tool bits in said tool bit receptacle when the tool bit receptacle is set inside the box body. Claims 1, 5, and 6 cover a sealed accessories display box, which can be locked when unsealed and both the box and cover are molded from transparent plastic. Clearly, the Rudert '077 reference does not suggest or disclose the subject matter of claims 1, 5, and 6. Neither the Neal '940 reference of record nor the Doerfler '507 reference of record suggests or discloses the subject of claims 1, 5, and 6.

The case law holds it is not permissible to take bits and pieces from unrelated references to try to make out a 35 U.S.C. § 103 rejection, *See In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988), *Tec Air Inc. v. Denso Manufacturing Michigan Inc.*, 192 F.3d 1353 (Fed. Cir. 1999), and *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). This requirement has not been met since none of the references suggests or discloses a sealed accessories display box. Applicant's accessories display box is sealed when the male fastening member and the female fastening member are fixedly fastened together. At this point, they cannot be separated from each other unless the male fastening member is broken from the cover.

In view of the foregoing amendments and arguments, it is Applicant's position that the remaining amended claims in the Application have overcome the 35 U.S.C. § 112 and



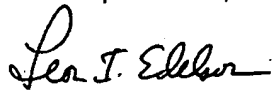
35 U.S.C. § 103 rejections, and Applicant therefore respectfully requests that a Notice of Allowance be issued.

Date: September 19, 2005

CERTIFICATE OF MAILING UNDER 37 CFR §1.10

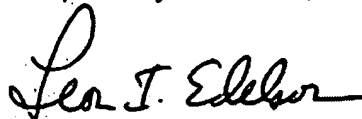
I hereby certify this correspondence and the above-referenced documents are being deposited, postage prepaid, with the U.S. Postal Service as Express Mail No. EV 024104380 US in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date: September 19, 2005



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